

Present were: Brown (Acting Chair); Jeton (Acting Clerk); Batchelder & McDonough (Members); Baime, Ranalli and Boness (Associate Member).

The meeting opened at 7:10 p.m.

Petition No: 3947

Premises affected: 149R Haggetts Pond Rd

Petitioner: New Cingular

Members: Brown, Batchelder, Baime, Boness

Attorney Michael Dolan of Brown & Rudnick represented the petitioner at this continued public hearing. The request is for a special permit to install three additional antennas at 148' height. A structural report was requested by the Board and has been submitted. Boness reviewed the report and stated that the stamp looks good. There were no public comments or questions. Baime made a motion to close the public hearing. Boness seconded the motion & the Board voted 4-0 to close the public hearing. The Board then proceeded to deliberate.

Boness noted that it is an existing collocation and could be approved with the usual conditions. He added that the tower is at 90% capacity. Boness made a motion to approve the special permit as submitted to install three new panel antennas on the existing tower, to match the plans as submitted). Baime seconded the motion and the Board voted 4-0 to approve the special permit with conditions. Boness will write the decision.

Petition No: 3955

Premises affected: 20 Enmore St

Petitioner: Grzywacz

Members: McDonough, Brown, Batchelder, Boness, Baime

Amanda & Dan Grzywacz were present. They want to construct a 13'x24' addition. It is in character with the neighborhood. The proposed side setback is 13.64' & 13.79' where 15' is required. The proposed front setback is 24.22' where 35' is required. Brown disclosed that he was involved with a project at #16 Enmore Street, which didn't require ZBA action. No one objected to his participation. The Board discussed with the applicants reducing the setback in order to conform. The applicants feel the addition would be too narrow. They submitted a letter from abutters at #16 & #22 Enmore Street who are in support. There being no other questions from the Board or the public, Ranalli made a motion to close the hearing & waive the site view. Jeton seconded the motion & the Board voted (4-0) to close the hearing. The Board then proceeded to deliberate.

Ranalli stated that the hardship is related the placement of the house on the lot. Baime agreed. Jeton pointed out that the narrow lots are part of an older subdivision that predates zoning adding that the bylaw refers to circumstances related to structures as well as lot shape (in this case narrow), soil conditions or topography. Jeton made a motion to grant a variance for the side setbacks with the condition that the addition shall be no closer to the side lot line than 13.5' / in substantial conformance with the plans submitted. Ranalli seconded the motion & the Board voted (4-0) to grant the variance. Jeton made a motion to grant a special permit for the front setback with the condition that the construction is in substantial conformance with the plot plan submitted. Ranalli seconded the motion & the Board voted (4-0) to grant the special permit. Ranalli will write the decision.

Petition No: 3932

Premises affected: 70 N. Main Street

Petitioner: Jeffco**Members: McDonough, Brown, Batchelder, Baime, Ranalli**

Attorney Don Borenstein represented the petitioner, Doug Ahern of Jeffco, who was also present. Borenstein informed the Board that after 4 meetings with Preservation Commission & one Design Review Board meeting, it was discovered that the property is 'incorrectly' listed as historic. The proposal is to demolish the existing, condemned multi-family structure & construct a 2 ½ - 3 story multi-family. The lot is undersized. The proposed front setback to North Main Street would be 11' with the stairs being on the lot line. The setback to Lewis Street would be 8'. The rear setback would conform. The Board requested a revised plot plan depicting the currently proposed structure. The Board discussed their overall feelings on the requested relief to demolish & reconstruct a non-conforming structure on a non-conforming lot as to area & frontage. Borenstein reminded the Board that the only new non-conformity is the northerly setback of 10'. The Board indicated their favor for the proposal but they need documentation, including a revised plot plan detailing the proposed footprint & setbacks as well as the immediate abutters' front setback from N. Main St., volume calculations for the existing & proposed structures, floor plans, and the square footage / total livable floor area excluding decks & stairs. Jeton made a motion to continue the public hearing pending receipt of the aforementioned documents. Baime seconded the motion & the Board voted (5-0) to continue the hearing to 12/1/11.

Petition Nos.: 3959**Premises affected: 3 Hidden Road****Petitioner: Herlihy****Members: McDonough, Brown, Batchelder, Baime, Ranalli**

Sean Herlihy represented himself for a variance from 4.1.2 &/or for a special permit under 3.3.5 to demolish & rebuild a deck to the same dimensions. It does not meet the minimum front or side yard depth requirements. The lot is in the SRB District. The existing deck was built improperly & is irreparable. The lot slopes down towards the back of the lot. The deck is the only access to the side door. The house was built in 1912; the deck was built approximately 25 years ago without a permit. Mr. Herlihy confirmed that he has approval from Conservation for the deck reconstruction. There being no other questions or comments from the public or the Board, McDonough made a motion to waive a site view & close the public hearing. Baime seconded the motion & the Board voted (6-0) to waive the view & close the hearing. Baime sat off the remainder of the case. The Board proceeded to deliberate.

The Board discussed granting relief under a special permit & the topographical issues caused by the slope. McDonough made a motion to grant the special permit for the reconstruction of the deck with the condition that it be constructed in substantial conformance with the plot plan submitted. Ranalli seconded the motion & the Board voted (5-0) to grant the special permit with condition. McDonough made a motion to deny the variance as moot. Jeton seconded the motion & the Board voted (5-0) to deny the variance as moot. Brown will write the decision.

Petition Nos.: 3958**Premises affected: 440 Lowell Street****Petitioner: TPT Properties, LLC****Members: McDonough, Brown, Jeton, Ranalli, Baime, Boness**

Tom Farengo, of TPT, represented himself in his request for a variance from 4.1.2 &/or for a special permit under 3.3.5 to demolish a 12'x14' 2-story section of an existing house & to reconstruct it, a portion of which is within the minimum front yard depth area. The lot is in the SRC District. He is rehabilitating the house, part of which is rotten & needs to be replaced. The Board discussed the condition of the existing structure, the proposed renovations & changes; some of

which include a substantial rear addition. The proposed reconstruction encroaches 5' into the 50' front yard depth requirement. Brown noted that the plan on file is not what has been presented. Farengo explained that the foot print is the same, however. There being no other questions or comments from the public or the Board, Jeton was designated to sit off the remainder of the case. McDonough made a motion to waive a site view & to close the public hearing. Boness seconded the motion & the Board voted (5-0) to waive the view & close the hearing. The Board then deliberated.

McDonough made a motion to grant a special permit for the demolition / reconstruction of a portion of the house that is within the minimum front yard depth requirement with the conditions that it be constructed on the existing footprint and that it is in conformance with Conservation Commission's requirements. Ranalli seconded the motion & the Board voted (5-0) to approve the special permit with the conditions. McDonough made a motion to deny the variance as moot. Ranalli seconded the motion & the Board voted (5-0) to deny the variance as moot. Brown will write the decision.

Petition Nos.: 3957**Premises affected: 400 South Main St****Petitioner: Andover School of Montessori****Members: McDonough, Brown, Jeton, Ranalli, Baime, Boness**

Heidi Steen Johnson, finance / plant & facilities director for the school, was present requesting a variance from 5.2.7.1.e &/or a special permit under 5.2.8.1.b to erect a free-standing sign that will exceed the maximum height & area allowed in the bylaw. Also present was Yvonne Howard, Director of Admissions. The school is located in the SRC District. The proposed sign will replace the existing sign. They submitted photos of the existing sign, erected in 1996, to illustrate its poor condition. The proposed sign will be 2-sided and have a removable bottom panel to announce special events. It will be closer to the road than the existing sign, approximately 27' from the road. The Board discussed the proposed increase in overall size & lettering, visibility on South Main Street & vehicular safety. Mrs. Sullivan, an abutter, spoke in opposition. The Board discussed the grade at the streetscape, proposed materials and the options to bring the proposed sign in conformance with other school signs in town. Stein showed a depiction of a 6'x6' sign. The Board felt that it would be helpful to consult both Design Review Board & Andover Police regarding the sign. Brown asked for a better plot plan with existing & proposed signs. He asked for orange cones to be placed in proposed location. The Board will drive by the site individually. McDonough made a motion to continue the hearing to 12/1/11. Ranalli seconded the motion & the Board voted (6-0) to continue to 12/1/11.

There being no other business of the Board, McDonough made a motion to adjourn the meeting at 9:15 p.m. Brown seconded the motion & the Board voted unanimously to adjourn the meeting.